

**REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

**I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-5 and 7-14 are pending in this application. Claims 1, 10, and 11 are independent. Claims 1, 10, 11, and 14 have been amended. It is submitted that these claims, as originally presented, were in full compliance with the requirements 35 U.S.C. §112. Support for this amendment is provided throughout the Specification as originally filed, specifically at pages 19 and 20. No new matter has been introduced by this amendment. Claim 6 is hereby cancelled without prejudice or disclaimer of subject matter. Indeed, claim 6 has been incorporated into independent claims 1, 10 and 11. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which the Applicants are entitled.

**II. REJECTIONS UNDER 35 U.S.C. § 101**

Claims 11 and 14 were rejected under 35 U.S.C. §101 as allegedly directed to non-statutory subject matter. Claims 11 and 14 have been amended, thereby obviating the rejection.

### III. REJECTIONS UNDER 35 U.S.C. § 103(a)

Claims 1, 3-7, and 9-14 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,175,772 to Kamiya, et al. in view of U.S. Patent No. 5,802,488 to Edatsune, and further in view of U.S. Patent No. 6,144,938 to Surace, et al.

Claims 2 and 8 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,175,772 to Kamiya, et al. in view of U.S. Patent No. 5,802,488 to Edatsune and further in view of U.S. Patent No. 6,144,938 to Surace, et al. and further in view of U.S. Patent No. 6,260,016 to Holm, et al.

Independent claim 1 recites, *inter alia*:

“...accumulating means for accumulating a number of times the behavior-state changing means changes behavior states of the apparatus and/or the number of times the emotion-state changing means changes emotion states of the apparatus, and

wherein the selecting means selects the control information also according to the number of times accumulated by the accumulating means...” (emphasis added)

As understood by Applicants, U.S. Patent No. 6,175,772 to Kamiya, et al. (hereinafter, merely “Kamiya”) relates to user-adaptive control of an object having pseudo-emotions by learning adjustments of emotion generating and behavior generating algorithms.

As understood by Applicants, U.S. Patent No. 5,802,488 to Edatsune (hereinafter, merely “Edatsune”) relates to interactive speech recognition with improved recognition relates by providing an interactive speech recognition device that performs recognition by taking situational and environmental changes into consideration.

As understood by Applicants, U.S. Patent No. 6,144,938 to Surace, et al. (hereinafter, merely “Surace”) relates to a voice user interface with personality.

Applicants submit that nothing has been found in Kamiya, Edatsune, or Surace, taken alone or in combination, that would teach or suggest the above-identified features of claim 1. Specifically, Kamiya, Edatsune, and Surace fail to teach or suggest that the plurality of factors comprises behavioral and emotional state factors, as recited in amended independent claim 1.

More specifically, Applicants submit that the cited portions of Kamiya, column 6, lines 14-40 and column 9, lines 26-44, discloses that the controller generates pseudo-emotions at a pseudo emotion generating unit 32 upon recognition of the user's intent and emotional expression at an intent/emotion recognition unit 31.

Such disclosure does not render claim 1 unpatentable.

Therefore, Applicants submit that claim 1 is patentable.

For reasons similar to those described above with regard to independent claim 1, amended independent claims 10 and 11 are also believed to be patentable.

#### **IV. DEPENDENT CLAIMS**

The other claims are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the above-identified reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.


**CONCLUSION**

In the event the Examiner disagrees with any of the statements appearing above with respect to the disclosures in the cited references, it is respectfully requested that the Examiner specifically indicate the portion, or portions, of the reference, or references, providing the basis for a contrary view.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Please charge any fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,  
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